

RESPONSE TO ELECTION OF SPECIES REQUIREMENT
USSN 09/880,754

REMARKS

Claims 1-20 are all the claims pending in the application.

In the Office Action dated March 24, 2004, the Examiner requires that Applicant select one of the following groups for prosecution on the merits:

LEVEL-I:

- | | | |
|-------------|---|---|
| Species I | - | Claims 4,6,7,10 (directed to a $k(S/N)$ function) |
| Species II | - | Claims 4,6,7,10 (directed to a $k' (N/S)$ function) |
| Species III | - | Claims 4,6,7,10 (directed to a $k' (N/N+S)$ function) |
| Species IV | - | Claims 18, 19, 20 (directed to artificial noise). |

If the Applicant selects any of Species I, II or III, the Examiner further requires that Applicant select one of the Sub-Species I-III from Level II:

LEVEL-II:

- | | | |
|-----------------|---|---|
| Sub-Species I | - | Claims 2,9,10 (directed to a linear relationship) |
| Sub-Species II | - | Claims 11-12 (directed to a polynomial (bell shaped curve)) |
| Sub-Species III | - | Claims 13-14 (directed to psychoacoustic mean values). |

The Examiner indicates that claim 1 is generic. This is correct, since claim 1 is currently the only independent claim, and, thus, all the remaining claims 2-20 depend from claim 1.

The Applicant elects Species III from Level I and further elects Sub-Species I from Level II. The election is without traverse.

Since the Election of Species Requirement is formulated in a relatively unusual manner, Applicant's representative telephoned the Examiner for clarification on April 21, 2004. Specifically, the Examiner indicated that the Election of Species lists merely the claims specifically citing the features (e.g. $k(S/N)$ function; linear relationship), and not all the claims that would be examined once a given species and sub-species are elected.

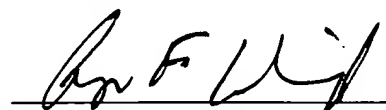
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Thus, according to the information provided by the Examiner, the Examiner will examine immediately claims 1-4, 9-10, 12, and 14, given the respective claim dependencies. In addition Applicant notes that claims 5, 8, and 15-17 should be examined immediately as well, since they do not form part of the Election requirement, and thus could not otherwise be elected for immediate examination. If generic claim 1 is found allowable, then the Applicant would be entitled to examination of all claims 1-20 in the present application. Finally, Applicant notes that claim 2 may be misclassified, since it does not in fact require a linear relationship. Specifically, the function $h(n)$ could increase non-linearly as N increases.

In view of the above, substantive examination of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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